Remarks

Favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claims 12, 13 and 14 have been amended so as to incorporate the subject matter of claims 28 and 30, so as to specify that the viral infection is a herpes group viral infection.

The rejection of claims 12-29 and 33 under 35 U.S.C. §102 as anticipated by or, in the alternative, under 35 U.S.C. §103 as obvious over Koenig et al. is deemed to be overcome in view of these amendments.

Claims 12, 13 and 14 have further been amended so as to be limited to treating viral infections.

The rejection of claims 12-34 under 35 U.S.C. §112, first paragraph, is deemed to overcome in view of these amendments.

Lastly, claims 12-34 were rejected under 35 U.S.C. §103 as being unpatentable over Ochoa et al. in view of Rosenberg and Melder et al. This ground of rejection is respectfully traversed.

Neither Ochoa nor Rosenberg demonstrate that activated autologous lymphocytes are effective in the treatment of viral infections. Ochoa is limited to teaching that activated autologous lymphocytes are effective in the treatment of cancer. Similarly, Rosenberg is limited in teaching that activated autologous lymphocytes are effective in the treatment of cancer. In column 4, lines 49-54, Rosenberg suggests that activated lymphocytes "can be employed" for the treatment of viral infections. This is merely a suggestion. There is absolutely no evidence to support the effectiveness of such treatment.

Melder et al. teaches that natural killer (NK) cells aid in the control of viral infections. However, the activated autologous lymphocytes used in the present invention are distinctly different from natural killer cells or lyphokine activated killer (LAK) cells. The activated autologous lymphocyte cells used in the present invention are distinctly different from NK lymphocyte cells and LAK cells. To clearly emphasize this distinction, new claims 35-37 have been added which specify that the activated autologous lymphocyte cells used in the present invention are T-cells. Support is found in the specification for example at page 7, last complete paragraph and page 10, lines 1-3.

In summary, the combined teachings of the prior art may have motivated one skilled in the art to conduct experiments along the lines of the present invention. However, one skilled in the art could have had no reasonable expectation from the teachings of the prior art that the claimed invention would be successful in the treatment of viral infections using activated autologous lymphocytes.

Thus, the claimed invention could not have been obvious to one of ordinary skill in the art from the prior art. Favorable reconsideration and allowance is solicited.

Respectfully submitted,

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